

SENATE BILL No. 552

June 26, 2001, Introduced by Senators JOHNSON, MILLER, MC COTTER, NORTH, GOUGEON, HAMMERSTROM, STILLE, BULLARD, STEIL, GAST, GARCIA, BENNETT, DUNASKISS, EMMONS, SIKKEMA, SCHUETTE, GOSCHKA, SHUGARS, MC MANUS, SMITH, YOUNG, SCOTT and PETERS and referred to the Committee on Appropriations.

A bill to amend 1976 PA 223, entitled

"An act to create an agency concerned with crime victim services; to prescribe its powers and duties; to provide compensation to certain victims of crimes; to provide for the promulgation of rules; and to provide for penalties,"

by amending section 4 (MCL 18.354), as amended by 1996 PA 519, and by adding section 5a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) Except as provided in subsection (2), the fol-
2 lowing persons are eligible for awards:

3 (a) A victim or an intervenor of a crime.

4 (b) A surviving spouse, parent, grandparent, child, sibling,
5 or grandchild of a victim of a crime who died as a direct result
6 of the crime.

1 (c) Any other person dependent for his or her principal
2 support upon a victim of a crime who died as a direct result of
3 the crime.

4 (D) A HEALTH CARE PROVIDER SEEKING COMPENSATION UNDER SEC-
5 TION 5A.

6 (2) A person is not eligible to receive an award if the
7 person is either of the following:

8 (a) Criminally responsible for the crime.

9 (b) An accomplice to the crime.

10 (3) An award shall not be made on a claim unless the claim-
11 ant has incurred a minimum out-of-pocket loss of \$200.00 or has
12 lost at least 2 continuous weeks' earnings or support, but the
13 commission may waive the limitations of this subsection in the
14 case of a claimant retired by reason of age or disability. If
15 the claimant is a victim of criminal sexual conduct in the first,
16 second, or third degree, the commission may waive the limitations
17 of this subsection. IF THE CLAIMANT IS A HEALTH CARE PROVIDER
18 SEEKING COMPENSATION UNDER SECTION 5A, THE COMMISSION SHALL WAIVE
19 THE LIMITATION OF THIS SUBSECTION.

20 SEC. 5A. (1) THE COMMISSION SHALL COMPENSATE A HEALTH CARE
21 PROVIDER FOR THE FOLLOWING SERVICES RENDERED TO A VICTIM OF CRIM-
22 INAL SEXUAL CONDUCT:

23 (A) THE ADMINISTRATION OF A SEXUAL ASSAULT EVIDENCE KIT
24 UNDER SECTION 21527 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
25 333.21527. THIS SUBSECTION DOES NOT APPLY TO THE COST OF A
26 SEXUAL ASSAULT EVIDENCE KIT THAT IS PROVIDED TO THE MEDICAL CARE
27 PROVIDER FREE OF CHARGE.

1 (B) INITIAL VENEREAL DISEASE TESTING AND TREATMENT ARISING
2 OUT OF A CRIMINAL SEXUAL ASSAULT AND NOT MORE THAN 2 RETURN OR
3 REFERRAL VISITS FOR VENEREAL DISEASE TESTING AND TREATMENT.

4 (C) PREGNANCY TESTING.

5 (2) COMPENSATION UNDER SUBSECTION (1) SHALL BE IN THE FOL-
6 LOWING AMOUNTS FOR EACH VISIT:

7 (A) NOT MORE THAN \$200.00 FOR USE OF AN EMERGENCY ROOM.

8 (B) NOT MORE THAN \$125.00 FOR THE USE OF A CLINIC OR OFFICE
9 EXAMINATION ROOM.

10 (C) NOT MORE THAN \$100.00 FOR AN EXAMINATION.

11 (D) NOT MORE THAN \$200.00 FOR ANY PROCEDURE.

12 (E) ALL ACTUAL AND REASONABLE LABORATORY FEES.

13 (F) ALL ACTUAL AND REASONABLE PHARMACOLOGICAL FEES.

14 (3) A HEALTH CARE PROVIDER SEEKING COMPENSATION UNDER SUB-
15 SECTION (1) SHALL SUBMIT THE CLAIM TO THE COMMISSION IN THE
16 MANNER REQUIRED BY THE COMMISSION. THE CLAIM FOR COMPENSATION
17 SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION:

18 (A) THE VICTIM'S NAME AND BIRTHDATE.

19 (B) AN ITEMIZED STATEMENT OF THE SERVICES PROVIDED INCLUDING
20 THE DATE ON WHICH THEY WERE PROVIDED.

21 (C) THE HEALTH CARE PROVIDER'S FEDERAL IDENTIFICATION
22 NUMBER.

23 (4) A VICTIM IS NOT RESPONSIBLE FOR PAYING COSTS DETERMINED
24 BY THE COMMISSION TO BE COMPENSABLE UNDER SUBSECTION (1). A
25 HEALTH CARE PROVIDER THAT IS COMPENSATED UNDER THIS SECTION SHALL
26 NOT SUBMIT ANY PORTION OF THE CLAIM TO THE VICTIM OR THE VICTIM'S
27 INSURER FOR PAYMENT.

1 (5) A VICTIM IS NOT REQUIRED TO SUBMIT THE CLAIM TO HIS OR
2 HER INSURANCE CARRIER FOR PAYMENT BEFORE THE COMMISSION MAKES
3 PAYMENT TO THE HEALTH CARE PROVIDER UNDER THIS SECTION. THIS
4 SECTION DOES NOT PROHIBIT THE VICTIM FROM SUBMITTING THE CLAIM TO
5 HIS OR HER INSURANCE CARRIER IF HE OR SHE CHOOSES TO DO SO.

6 (6) THE COMMISSION SHALL NOT REQUIRE A VICTIM TO FILE A
7 POLICE REPORT OF THE CRIMINAL SEXUAL CONDUCT VIOLATION AS A CON-
8 DITION FOR DISBURSING FUNDS UNDER THIS SECTION.

9 (7) IF A CLAIM IS PAID OR OVERPAID UNDER THIS SECTION BASED
10 UPON A CLERICAL ERROR, MISTAKEN IDENTITY, INNOCENT MISREPRESENTA-
11 TION, OR OTHER CIRCUMSTANCE OF A SUBSTANTIALLY SIMILAR NATURE,
12 OTHER THAN FRAUD, THE RECIPIENT OF THE PAYMENT IS LIABLE TO THE
13 COMMISSION FOR REPAYMENT OF THE CLAIM OR THE OVERPAID AMOUNT.
14 HOWEVER, IF THE COMMISSION FAILS TO NOTIFY THE CLAIMANT OF THE
15 PAYMENT OR OVERPAYMENT WITHIN 1 YEAR AFTER THE PAYMENT OR OVER-
16 PAYMENT IS MADE, THE RECIPIENT IS NOT LIABLE FOR REPAYMENT TO THE
17 COMMISSION. IF A PAYMENT OR OVERPAYMENT HAS BEEN INDUCED BY
18 FRAUD, THE RECIPIENT IS LIABLE FOR REPAYMENT TO THE COMMISSION AS
19 OTHERWISE PROVIDED BY LAW.

20 (8) AS USED IN THIS SECTION, "HEALTH CARE PROVIDER" MEANS A
21 HEALTH PROFESSIONAL, HEALTH FACILITY, OR LOCAL HEALTH DEPARTMENT.

22 Enacting section 1. This amendatory act does not take
23 effect unless all of the following bills of the 91st Legislature
24 are enacted into law:

25 (a) Senate Bill No. 553.

26

1 (b) Senate Bill No. _____ or House Bill No. _____ (request
2 no. 04831'01).